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Attorney Docket No. XENG-002/01US

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By: Diane Kizer  
Diane Kizer

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

CONTAG and ZHANG

Examiner: R. Shukla

Serial No.: 09/464,795

Art Unit: 1632

Confirmation No.: 8087

Filed: December 16, 1999

For: NON-INVASIVE EVALUATION OF PHYSIOLOGICAL RESPONSE IN A MAMMAL

Commissioner for Patents  
Washington, D.C. 20231

### TRANSMITTAL OF RESPONSE

Enclosed are the following documents in response to the Office Action mailed August 27, 2002 for the above-identified application:

- ☒ Amendment/Response
- ☒ Petition for Extension of Time
- ☐ Request for Approval of Drawing Changes
- ☐ Information Disclosure Statement
- ☐ Notice of Appeal
- ☐ Associate Power
- ☐ Revocation and New Power
- ☐ Change of Address
- ☒ Return receipt postcard
- ☒ Check No. 18441 in the amount of \$930.00 for the total fee as calculated below

☐ Other:

The fee has been calculated as follows:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Total Claims		- 20 =		x \$18.00	
Independent Claims		- 3 =		x \$84.00	
If multiple dependent claims are presented, add \$280.00					
Total Amendment Fee					
If small entity status is applicable, subtract 50% of Total Amendment Fee					
Other fees: Petition for 3-month Extension of Time					\$930.00
<b>TOTAL FEE DUE</b>					\$930.00

☒ A check for the total fee is attached.

☐ Please charge \$ to Deposit Account No. 03-3117 for the total fee. This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

Dated: 27 Feb 03

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Respectfully submitted,  
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By:

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Atty. Doc. No.: XENG-002/01US  
PXE-007.US (9400-0002)  
USSN: 09/464,795

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CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8

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Diane Kizer  
Diane Kizer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Contag and Zhang

Serial No.: 09/464,795

Art Unit: 1632

Filing Date: December 16, 1999

Examiner: R. Shukla

Title: NON-INVASIVE EVALUATION OF PHYSIOLOGICAL RESPONSE IN A MAMMAL

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed August 28, 2002. Submitted herewith is a request for a three-month extension of time and appropriate fee, making a response due on or before February 27, 2003. Accordingly, this response is timely filed.

REMARKS

Claims 38, 40, 41, 43, 45, 46, 49, and 65-68 are pending and stand rejected under 35 U.S.C. 112, first paragraph (written description and enablement). Reconsideration of the application in view of the following remarks is respectfully requested.

35 U.S.C. §112, First Paragraph, Written Description

Claims 38 and 65-68 remain rejected on the grounds that Applicants' specification fails to sufficiently describe the claimed transgenic mice. The Examiner's position can be summarized as follows: an adequate description of the claimed transgenic animals requires actual production of the animals and a detailed description of their phenotype. (See, e.g., Office Action, page 3). In this regard, Wood et al. (2000) *Comparative Med.* 50(1):12-15 is newly cited for allegedly establishing that "the